

REMARKS

Status of the Claims

Claims 1-24 are pending in this application. By this amendment, Applicant has amended claims 1-4, 6, 9, 12, 13, 16 and 18-24, canceled claims 14, 15 and 17 without prejudice or disclaimer and added new claims 25-28.

No new matter has been introduced as a result of this Amendment. Applicant respectfully requests reconsideration of the above-identified application in view of the foregoing amendments and the following remarks.

Rejections Under 35 U.S.C. § 101

Claims 14-17 have been rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicant has amended claim 16 and canceled claims 14, 15 and 17 in that regard. Accordingly, Applicant respectfully requests that the foregoing rejections be withdrawn.

Rejections Under 35 U.S.C. § 112, ¶1

Claim 13 has been rejected under 35 U.S.C. § 112, ¶1 as being unduly broad and failing to comply with the enablement requirement because it constitutes a single means claim. Applicant has amended claim 13 in that regard and respectfully requests that the foregoing rejection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1-24 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,920,327 to Brandes ("Brandes") in view of U.S. Patent Publication No. US2003/0002525 by Grilli ("Grilli"). Claims 1, 18, 20 and 22-24 are independent.

Claim 1, as amended, requires "changing to the selected available downlink radio signal for in part performing a handover so that said handover is performed between a downlink

of a digital generally bi-directional communications service and a digital generally unidirectional broadcast communications service.” Thus, the present invention, as defined by amended claim 1, is directed to a partial handover and, more particularly, to a handover that is performed between a downlink of a digital generally bi-directional communications service and a digital generally unidirectional broadcast communications service.

In contrast, neither Brandes nor Grilli discloses a handover that is partial and that is performed between a downlink of a digital generally bi-directional communications service and a digital generally unidirectional broadcast communications service. Brandes discloses selecting between various different communications systems (e.g., cellular or broadcast) of a hybrid system in the event of, e.g., a decrease in the transmission quality of the communications system presently in use. This, however, is not a handover. Grille, in turn, describes merely a conventional handover within a GSM/CDMA system, and thus, the handover in Grille is a total handover, rather than a partial handover.

Therefore, Applicant respectfully submits that Brandes does not contain any disclosure that would have led one of ordinary skill in the art to arrive at the feature of “in part performing a handover so that said handover is performed between a downlink of a digital generally bi-directional communications service and a digital generally unidirectional broadcast communications service”, as required by amended claim 1. To the contrary, as previously stated, Brandes discloses merely the concept of switching between cellular and broadcast systems, which is not a handover. Grilli discusses only a traditional, total, handover in a GSM/CDMA system rather than a partial handover. Thus, the above-identified features still would be missing from a combination of Brandes and Grille. Moreover, since the handover in Grille is total, any handover in the combination of Brandes and Grille likewise would be total (i.e., not partial). That

is to say, the uplink, as well as the downlink, of Brandes would be handed over under the teachings of Grille. Therefore, Applicant respectfully submits that any attempt to attribute the above-identified features of claim 1 to the proposed combination of Brandes and Grille would involve an impermissible use of hindsight based solely upon the teachings of the instant application.

Advantageously, in an exemplary embodiment of the present invention, while the downlink can be handed over, a control and the uplink of the bi-directional domain remains stable and can be maintained (as discussed, for example, on page 7 line 35 to page 8, line 1 of the International publication). Furthermore, in an exemplary embodiment, as the handover reservation relates to downlink data communication capacity, network resources and signalling can be saved (as discussed, for example, on page 10, lines 13 – 16 of the International publication). Moreover, in an exemplary embodiment, there can be an interaction channel (e.g. return or forward path) while maintaining the benefits of the broadcasting channel (e.g., a high and effective bitrate, less expensive transmission, etc.) (see, for example, page 17 line 7 onwards in combination with page 15 lines 16 – 33).

Accordingly, Applicant respectfully submits that claim 1, as amended, is patentable over the combination of Brandes and Grille.

Claims 18, 20 and 22-24, as amended, contain features similar to those found in amended claim 1, and thus, are allowable for the same reasons as set forth above in urging the allowance of amended claim 1.

Dependent Claims:

Applicant does not believe it necessary at this time to further address the rejections of the dependent claims as Applicant believes that the foregoing arguments and

amendments place the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims and allowance of the application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4281.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4281.

Respectfully submitted,
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Dated: January 14, 2009

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